



## **City Council Meeting Action Agenda January 5, 2015 Council Chambers, First Floor**

### **Present:**

Mayor William V. Bell.

Mayor Pro Tempore Cora Cole-McFadden and Council Members

Eugene Brown

Diane Catotti

Eddie Davis

Don Moffitt

Steve Schewel

Absent: None

*Disclaimer:* All information on the website is subject to tampering and unauthorized changes without the knowledge of the City of Durham. Minutes are available after City Council approval. Contact the City Clerk's Office at 919-560-4166.

### **[Consent Agenda]**

#### **1. Approval of City Council Minutes**

To approve City Council minutes for the November 6, 2014 Work Session and the November 17, 2014 City Council Meeting. [Approved – Vote 7/0]

(Resource Person: D. Ann Gray – 919-560-4166 ext. 12267) ([PR# 10210](#))

#### **2. Firefighter's Relief Fund Board of Trustees – Appointments**

To reappoint Cheryl K. Klein and to appoint Alicia Grant to the Firefighter's Relief Fund Board of Trustees with one (1) term to expire on January 1, 2016 and one (1) term to expire on January 1, 2017. [Approved – Vote 7/0]

(Due to a vacancy and the term expiring of Cheryl K. Klein)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 10187](#))

### **3. Raleigh-Durham Airport Authority – Appointment**

To reappoint Farad Ali to the Raleigh-Durham Airport Authority with the term to expire on January 1, 2017. [Approved – Vote 7/0]

(Due to the term expiring of Farad Ali)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 10196](#))

### **4. Passenger Vehicle for Hire Commission – Appointments**

To reappoint Isameldin E. Mohamed Ali representing Passenger Vehicle For Hire Operator and Larry Dixon representing Passenger on the Passenger Vehicle For Hire Commission with the terms to expire on January 1, 2018. [Approved – Vote 7/0]

(Due to the terms expiring of Isameldin E. Mohamed Ali and Larry Dixon)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 10197](#))

### **5. Street and Infrastructure Acceptances**

To accept the streets and infrastructure for maintenance by the City of Durham. [Approved – Vote 7/0]

(Resource Persons: Robert N. Joyner, Jr. and Nathan L. McHenry – 919-560-4326) ([PR# 10185](#))

### **6. Resolution Concerning Unaccompanied Migrant Children in Durham**

To adopt a Resolution Concerning Unaccompanied Migrant Children in Durham. [Approved – Vote – 7/0]

(Resource Person: Council Member Steve Schewel – 919-560-4396)

**7. Expedited Hearing Request for Zoning Map Change – Southside East Phases 2 and 3 (Z1400034)**

To adopt a Resolution Granting an expedited hearing per Section 3.5.11.B of the Unified Development Ordinance for zoning map change request Z1400034 (Southside East Phases 2 and 3). [Approved – Vote 7/0]

Resource Persons: Steven L. Medlin, AICP and Scott Whiteman, AICP – 919-560-4137) ([PR# 10186](#))

**8. This item can be found on the General Business Agenda.**

**9. License Agreement between the City of Durham and Brightfield Transportation Solutions to Install a DC Fast Charger in Parking Lot 32**

To authorize the City Manager to execute the License Agreement with Brightfield Transportation Solutions to install a DC Fast Charger in parking lot 32 (Chapel Hill Street at Ramseur Street). [Approved – Vote 7/0]

(Resource Person: Tobin L. Freid – 919-560-7999) ([PR# 10205](#))

**10. Agreement for Sidewalk Construction on Avondale Drive (TIP #U-4726HM)**

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2014-15, as amended, the same being Ordinance #14623, for the purpose of receiving the federal funds; and

To adopt a Resolution Authorizing the City Manager to execute a grant agreement with North Carolina Department of Transportation (NCDOT). [Approved – Vote 7/0]

(Resource Person: Dale McKeel – 919-560-4366 ext. 36421) ([PR# 10206](#))

**11. Bid Report- November 2014**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2014. [Approved – Vote 7/0]

(Resource Person: Jonathan Hawley – 919-560-4132 ext. 18225) ([PR# 10201](#))

**14. Change Order to Address Modifications to the Masonry Scope of Work for 400 Cleveland Street Roof and Envelope Renovations Contract with L.A. Downey and Son, Inc.**

To authorize the City Manager to execute a change order to the construction contract for the 400 Cleveland Street Roof and Envelope Renovations project with L.A. Downey and Son, Inc. in the amount of \$46,144.00 so that the total contract amount will not exceed \$497,314.00;

To increase the project contingency to \$49,700.00; and

To authorize the City Manager to negotiate and execute change orders on 400 Cleveland Street Roof and Envelope Renovations construction contract provided the total project cost does not exceed \$547,014.00. [Approved – Vote 7/0]

(Resource Person: John Paces-Wiles – 919-560-4197 ext. 21252) ([PR# 10209](#))

**15. Contract for Property Management Services with GWC Properties, LLC at 616 E. Main Street, 101 S. Elizabeth Street, 113 S. Elizabeth Street, 601 E. Ramseur Street and 605 E. Ramseur Street**

To authorize the City Manager to execute a contract for property management services with GWC Properties for the property located at 616 E. Main Street, 101 S. Elizabeth Street, 113 S. Elizabeth Street, 601 E. Ramseur Street and 605 E. Ramseur Street. [Approved – Vote 7/0]

(Resource Person: David Fleischer – 919-560-4197 ext. 21288) ([PR# 10199](#))

**17. Interlocal Agreement with Durham County for the Purchase of Sodium Chloride (Salt)**

To authorize the City Manager to enter into an Interlocal Cooperation Agreement with Durham County to allow the County to purchase sodium chloride (salt) from the City during winter weather events for use around various Counties owned facilities. [Approved – Vote 7/0]

(Resource Person: Marvin G. Williams – 919-560-4326 ext. 30225) ([PR# 10194](#))

**18. U-3308 Alston Avenue Use and Occupancy Agreement with North Carolina Department of Transportation (NCDOT)**

To authorize the City Manager to execute a Use and Occupancy Agreement with NCDOT for the relocation of City water and sewer utilities associated with the Alston Avenue project (U-3308). [Approved – Vote 7/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10195](#))

**19. U-0071 East End Connector CSX Railroad Permit**

To authorize the City Manager to execute an Encroachment Agreement and a Railroad Permit with CSX Transportation, Inc. for the relocation of City water utilities associated with the East End Connector project (U-0071). [Approved – Vote 7/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10200](#))

**20. SS-4905BI Old Oxford Road at Danube Lane – North Carolina Department of Transportation Improvements**

To authorize the City Manager to execute a Construction Agreement with NCDOT for the relocation of City water utilities and the installation of sidewalk associated with NCDOT improvements on Old Oxford Highway at Danube Lane (SS-4905BI);

To authorize the expenditure of \$31,000.00 from the Water Extensions and Improvements fund for the utility relocation;

To establish a contingency fund from the Water Extensions and Improvements fund in the amount of \$3,100.00 (10%); and

To authorize the expenditure of \$5,750.00 from the Transportation CIP Fed/State Matching fund for sidewalk installation with a total expenditure not to exceed \$39,850.00. [Approved – Vote 7/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10202](#))

**The City Council disposed of the following agenda items at the December 18, 2014 Work Session:**

**12. Resolution Making Certain Statements of Fact Concerning a Proposed Bond Issue and Resolution Providing for the Issuance of Not to Exceed \$60,500,000.00 General Obligation Refunding Bonds, Series 2015**

(This item was approved at the 12-18-14 Work Session with a vote of 7/0)

**13. Resolution Approving an Amendment to the Installment Purchase Contract with New Durham Corporation and Related Matters**

(This item was approved at the 12-18-14 Work Session with a vote of 7/0)

**16. Lease of East Durham Recreation Center and Contract for Service to East Durham Children's Initiative**

(This item was approved at the 12-18-14 Work Session with a vote of 7/0)

**21. Presentation on the Pavement Condition Study Findings**

(A presentation was received at the 12-18-14 Work Session)

**24. Dave Rush**

(Comments were received at the 12-18-14 Work Session)

**25. Len Stanley**

(Comments were received at the 12-18-14 Work Session)

**26. Terry Morris**

(Comments were received at the 12-18-14 Work Session)

**27. Robin Jacobs**

(Comments were received at the 12-18-14 Work Session)

**28. Katherine Gill**

(Comments were received at the 12-18-14 Work Session)

**[General Business Agenda]**

**8. 2015 Long Session Legislative Agenda**

The legislative item requested by the Durham County Sheriff and Durham County Manager to increase the penalty for offenses involving stolen firearms FAILED by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Councilmember Brown. Noes: Councilmembers Catotti, Davis, Moffitt and Schewel.

To adopt the remaining items on the proposed 2015 Long Session Legislative Agenda.  
[Approved – Vote 6/0] Excused Absence: Mayor Pro Tempore Cole-McFadden.

(Resource Person: Karmisha R. Wallace – 919-560-4222 ext. 11228) (PR #10221)

**[General Business Agenda – Public Hearings]**

**22. Public Hearing to Consider Resolution to Rescind Eleven Previously Ordered  
Petitioned Sidewalks**

To conduct a public hearing to receive comments on adopting a resolution rescinding eleven previously ordered petitioned sidewalks; and

To adopt a Resolution Rescinding the following previously ordered sidewalks:

1. South Roxboro Street (East Side) from Juliette Drive south to Greyfield Boulevard
2. Juliette Drive (North Side) from South Roxboro Street to PIN #0729-01-16-2672
3. Infinity Road (South Side) from Shadebush Drive to Lazyriver Drive
4. Green Street (South Side) from Gregson Street to Watts Street
5. Monmouth Avenue (South Side) from North Buchanan Boulevard to Watts Street
6. Fayetteville Road (West Side) from the north property line of PIN 0717-02-69-7405 to the south property line of PIN 0717-02-69-7405
7. Sedwick Road (North Side) from Revere Road to Grandale Drive
8. University Drive (East Side) from Durham Chapel Hill Boulevard to West Forest Hills Drive
9. Hardwick Drive (North Side) from the west property line of PIN 0728-03-24-3003 to Wellingham Drive
10. Yorktown Ave (West Side) from Martin Luther King, Jr Parkway northeast to the northeast property line of PIN 0739-01-05-9585
11. Grandale Drive (East Side) from Sedwick Road to Lyon Farm Drive

[Approved – Vote 5/1] Noes: Councilmember Brown. Excused Absence: Mayor Pro Tempore Cole-McFadden.

(Resource Persons: Robert N. Joyner, Jr., and Nathan L. McHenry – 919-560-4326) ([PR# 10190](#))

### **23. Zoning Map Change – Autopark Center (Z1400011)**

Note: At the request of the City Manager, item was referred back to the City/County Planning Department.

To conduct a public hearing to receive comments on the Zoning Map Change for Autopark Center (Z1400011); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400011 out of Commercial Neighborhood with a development plan (CN(D)) and placing same in and establishing same as Commercial General with a development plan (CG(D)).

To adopt a consistency statement as required by GS 160A-383.

Staff Determination: Staff determines that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval 12-0 on November 11, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10193](#))

**[Adjournment – 8:47 p.m.]**

**Notice Under the Americans with Disabilities Act (ADA).**

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: (919)560-4197, ext. 21254, TTY:(919) 560-1200; [ADA@durhamnc.gov](mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the scheduled event.